

REMARKS

By the present response, Applicant respectfully traverses the rejections of Claims 58-85, 87-142 and 144-171, the claims pending in the present application. Claims 58 and 115 are independent claims.

In the recent Office Action (dated June 11, 2010), the Examiner rejected independent claims 58 and 115 under 35 U.S.C. § 103(a) as being unpatentable over Mandelbaum et al (5,552,897) in view of Ishibashi (6,359,974) and Svoboda (6,597,771). The remaining claims were held to be unpatentable over various teaching references. The latter rejections are not separately argued. Applicant notes that the correct patent number for the Svoboda patent is 6,597,771 and not 6,507,771.

Applicant will advance arguments hereinbelow to illustrate the manner in which the presently claimed invention is patentably distinguishable from the cited and applied prior art. Reconsideration of the present application is respectfully requested.

Applicant's invention is a system and/or method for routing voice/video/fax mail from a sending fax machine to a receiving fax machine. Each fax machine includes a processor and memory and specific fax software whereby the fax machines are configured for routing voice/video/fax mail to associated recipients. As depicted in the figures, fax machine 10 allows the sender of voice/video/fax mail to be the controller of voice/video/fax mail, and enables the sender to be certain that voice/video/fax mail is delivered to an intended recipient using a fax

machine 10 via a WAN. Although Applicant's fax machines and methodology depicts an interconnectivity to a computer (e.g. Fig. 1, computer 80), there IS NO INTERNET linkage of the fax machines; rather, it's a direct fax-to-fax interconnection. The direct fax machine-to-fax machine interconnection enhances security of the transmission; that is, no Internet hacking.

The claims further require that each fax machine include fax software to enable it to be configured in a VERIFICATION MODE thereby permitting the sender to determine whether the recipient at the receiving fax machine has retrieved the fax mail. As the specification states beginning at page 31:

"Fax machine 10 also allows a fax sender to access a recipient fax machine 10 in order to determine whether a particular voice/video/fax mail has been received and accessed by the intended recipient. This enables the sender to verify and confirm voice/video/fax mail retrieval on the recipient's fax machine 10 by way of a muted ring. The sender may access the recipient, and discreetly verify not only that the voice/video/fax mail has been received, but also that the recipient has indeed retrieved the voice/video/fax mail..."

As shown in Fig. 9, fax machine 10 may be configured in a VERIFICATION mode. When voice/video/fax mail has been sent and when fax machine 10 is set to a VERIFICATION MODE (step 700), a muted ring call is made (step 702), and if no signal is received (step 706), fax machine 10 waits for the signal and confirms the signal (step 704). The voice/video/fax mail tracking number is entered, the voice/video/fax mail status is retrieved, and a determination is made whether or not the voice/video/fax mail has been retrieved by the recipient, or is still pending retrieval (steps 706, 710, 712, 714)."

In order to specifically recite these features, independent claims 58 and 115 were similarly amended to recite: "said first and second fax machines each including fax software to configure said fax machines to be directly linked as respective sender and receiving fax machines...." Although the Mandelbaum reference discloses fax-to-fax interconnection, **both** Ishibashi ('974) at column 3, lines 18-52 and Svoboda ('771) at column 2, lines 60-65 require Internet/PC accommodations and interconnectivity.

In contradistinction to Applicant's claimed invention, Mandelbaum lacks fax software to configure the fax machines into a VERIFICATION MODE for enabling the sender to determine whether voice/video/fax mail sent from the fax machine has been retrieved by a recipient at a receiving fax machine. Since the transmissions are coded, Mandelbaum assumes the recipient has retrieved the transmission by entering the security codes. Mandelbaum wants to ensure that the intended recipient received the fax, as opposed to Applicant's endeavor to remove the excuse "I never got the fax" from the equation. In essence, Mandelbaum's device is concerned with ensuring that the wrong person did not get the fax as opposed to Applicant's intent to guarantee that the right person received, accessed and retrieved the fax. This eliminates the "I never got the fax" excuse.

In order to overcome Mandelbaum's lack of apparatus/method, the Examiner relies on Ishibashi ('974) and Svoboda ('771) to teach the apparatus/method of verifying fax deliveries. The Examiner notes that Ishibashi discloses apparatus and methodology that a fax was received,

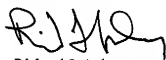
accessed, and retrieved by a receiver 3B (column 1, lines 52-60; and Column 3, line 62 to column 4, line 22). Applicant respectfully continues to disagree with the Examiner's interpretation of the Ishibashi reference and incorporates the arguments previously made in response thereto. The Applicant further notes that Claims 58 and 115 have been amended to further clarify and specify the differences between these claims and the Ishibashi reference. That is, Applicant's fax system and method use first and second fax machines, each including fax software to configure said fax machines to be directly linked as respective sender and receiving fax machines. Ishibashi is silent as to a direct interconnection. One cannot assume that Ishibashi's LAN 7A and 7B (e.g. Figs. 6 and 7, columns 3 and 4) standing alone are directly interconnected or connected via the Internet; or that the client server systems 1A, 1B, interconnected via PSTN or ISDN network 8, are or are not Internet based. Applicant's fax system and method specifies the type of sender control desired (e.g. VERIFICATION MODE) and transmission security (direct fax machine-to-fax machine; i.e. no Internet) not possessed by the prior art. It is further noted that having access to knowledge that a fax has or has not been received and/or accessed (Ishibashi and Svoboda) does not meet the language of the claims that require a VERIFICATION for enabling the sender to access the receiving fax machine and determine whether voice/video/fax mail sent from the sending fax machine has been received, accessed and retrieved by the intended recipient at the receiving fax machine.

Finally, claims 58 and 115 require that "...the **sender** of the voice/video/fax mail is the **controller of said mail at both locations** thereby enabling the sender to be certain that the

receiving machine is the intended recipient of said mail and cannot access said mail until the sender releases control of the mail.... (emphasis added). The references lack this feature. It is especially noted that Svoboda teaches away from this necessity. Svoboda describes structure and methodology wherein the receiver allocates a password to the sender and serves as a key for the sender to obtain access to functions of modification and/or deleting a message stored in the receiver unit. This clearly does not describe a sender in control of both locations.

For the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,



Richard J. Apley
Registration No. 51,316
(703) 486-1000

RJA: dht